

JUDGE CASTEL

08 CV 00212-DLC

NOURSE & BOWLES, LLP
Attorneys for Plaintiff
BBC CHARTERING & LOGISTIC
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BBC CHARTERING & LOGISTIC GmbH & CO. :
KG, :
: Plaintiff, : 08 Civ. ()
- against - :
: **AFFIDAVIT IN SUPPORT OF**
VINGO RESOURCES PTY LTD, : **APPLICATION FOR**
: **MARITIME ATTACHMENT**
: Defendant.
-----X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

ARMAND M. PARÉ, JR., being duly sworn, deposes and says:

1. I am a member of the firm of Nourse & Bowles, LLP attorneys for Plaintiff, BBC Chartering & Logistic GmbH & Co. KG, and make this affidavit in support of Plaintiffs' application for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

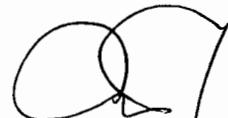
2. Based upon my inquiries and to the best of my information and belief, Defendant, Vingo Resources Pty Ltd is foreign corporations and cannot be "found" within this District for

the purpose of attachment under Rule B. In support of this position, I and my staff have conducted the following investigation:

- (a) I and my staff contacted the office of the New York Department of State, Division of Corporations on January 7, 2008, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for corporation named Vingo Resources Pty Ltd and the search results indicated that Vingo Resources Pty Ltd. is not a New York corporation, nor is it licensed, authorized or registered to do business in the State of New York as either domestic or international corporations;
- (b) I and my staff consulted with Directory Assistance for New York on January 7, 2008 for area codes (212), (718), (917), (646), (347), (914), (845), and no listings for Vingo Resources Pty Ltd were located;
- (c) I and my staff reviewed the Journal of Commerce (Business Directory) Transportation Tickler, 2007 Edition (Vol. 1 New York Metropolitan Area) and no listings were found for Vingo Resources Pty Ltd;
- (d) I and my staff accessed on January 7, 2008, through Microsoft Internet Explorer and Yahoo! Search engines the yellow pages telephone directory database and found no listing in that database for any office or agent of Vingo Resources Pty Ltd in the State of New York;
- (e) I and my staff accessed on January 7, 2008, through Microsoft Internet Explorer and Google search engines and found no listing for any office or agent of Vingo Resources Pty Ltd in the State of New York;
- (f) I and my staff are unaware of any general or managing agent(s) within this District for Vingo Resources Pty Ltd.

3. Based upon the foregoing, I submit that Defendant, Vingo Resources Pty Ltd cannot be "found" within this District for the purpose of an attachment pursuant to Rule B and therefore Plaintiff seeks an order of attachment against the tangible and intangible property of Vingo Resources Pty Ltd as may be found within this District up to and including the amount of the claim specified in the Verified Complaint.

4. No previous application for an Order of Attachment and Garnishment or similar relief has been sought in the United States in this matter.



ARMAND M. PARÉ, JR.

Sworn and subscribed
to before me this 10th
day of January, 2008

Karlene S. Jackson
Notary Public

Karlene S. Jackson, Notary Public
State of New York, #01JA5083169
Qual. In Queens City, New York City
Commission Expires November 17, 2009